

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

**IN RE:**

**MARTIN, WILLIAM RICHARD, JR**

**Debtor.**

**Case # 08-06955-DRD**

**Chapter 7**

**APPLICATION FOR COURT ORDER  
ALLOWING RULE 2004 EXAMINATION**

NOW COMES MICHELLE L. VIEIRA, Trustee and for her Motion states as follows:

1. The Debtors filed a Voluntary Petition on 10/31/08.
2. The Applicant, MICHELLE L. VIEIRA, was assigned to the case as Trustee.
3. The Meeting of Creditors was held on January 14, 2009, via telephone at the Debtor's request.
4. During the course of the Debtor's Creditor's Meeting, the Debtor testified to certain transfers to and from an IRA account.
5. The Trustee has filed an Objection to Exemption related to the IRA and a certain life insurance policy.
6. The Debtor moved to Colorado after filing his bankruptcy petition and has refused to return to the jurisdiction for his 2004 exam.
7. The Trustee conducted the 341 meeting via telephone at the debtor's request. However, do to the transfers and issues outstanding in this case, the trustee desires to take the 2004 exam of the Debtor in person.
8. The Debtor chose the jurisdiction in which he filed his Bankruptcy Proceeding and needs to return to cooperate with the discovery necessary in his case.
9. Trustee believes it is necessary to obtain an Order to conduct a Rule 2004 Examination of the Debtor in relation to the transfers from the IRA and the failure to disclose an insurance policy.
10. This case is scheduled for Objection to Exemption hearing on March 19, 2009 in Charleston and it appears it will need to be continued until such time as the 2004 exam can be conducted.

Wherefore, Michelle L. Vieira, requests that the Court Order the 2004 Exam of the Debtor, William Martin, and direct that he appear in the State of South Carolina for his 2004 Exam with the requested documents.

Dated at Myrtle Beach, South Carolina  
March 11, 2009

/s/ MICHELLE L. VIEIRA  
MICHELLE L. VIEIRA, Trustee  
District Court ID #9876  
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MYRTLE BEACH SC 29577  
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CERTIFICATE OF SERVICE

The undersigned, Elaine MacMillan, hereby states that she mailed the within **Application to Conduct 2004 Exam** to the parties as shown below either electronically where appropriate or by depositing the same in the U.S. Post Office, postage prepaid, at Myrtle Beach, South Carolina, where there is regular communication by mail, and that same was mailed on March 11, 2009.

/s/ Elaine MacMillan

Elaine MacMillan, Assistant  
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Debtor

MARTIN, WILLIAM RICHARD, JR  
3755 TENNYSON STREET  
DENVER CO 80212

Debtor(s)' Attorney

*(served electronically)*

Office of United States Trustee

*(served electronically)*